

AFFIDAVIT

I, Brian Wood, being first duly sworn, hereby depose and state as follows:

1. I am a Special Agent (SA) with the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), duly appointed according to law and acting as such. I have been a Special Agent with the ATF for over 5 years. My assignments have included investigating criminal violations of federal firearms statutes and narcotics offenses related to the possession and distribution of controlled substances. Prior to my employment with ATF, I was employed by the United States Border Patrol as a Border Patrol Agent for over 6 years, during which time I also participated in investigations of criminal violations involving narcotics offenses related to the possession and distribution of controlled substances and violations of federal firearms statutes.

2. This affidavit is submitted to show that probable cause exists to believe that Cody Ahonen, having been previously convicted of a misdemeanor crime of domestic violence, possessed a firearm in violation of 18 U.S.C. § 922(g)(9).

3. The information contained in this affidavit is based on my training and experience, as well as my own investigation and information I received from other agents, law enforcement personnel, and witnesses. This affidavit is intended to show that there is sufficient probable cause to believe that Cody Ahonen committed the foregoing offense and does not set forth all facts I know regarding the investigation concerning this matter.

4. By way of background, I have been familiar with Cody Ahonen since February 2019 when the ATF Burlington Field Office initiated an investigation into Ahonen's suspected illegal firearm possession, and firearm and drug trafficking activities. This investigation was initiated after a firearm was recovered in Connecticut and traced back to Ahonen's brother, Robert Ahonen. Robert Ahonen had purchased the firearm as part of a multiple sale of firearms in March 2018.

5. In February of 2019, ATF Special Agent Joseph Davis and I interviewed a source of information (SOI) working with the Vermont Drug Task Force¹ regarding Robert Ahonen and Cody Ahonen. The SOI provided the following statements, among others:

a. The SOI had previously purchased cocaine from Cody Ahonen approximately 20 times and knew Cody Ahonen to distribute cocaine, cocaine base and pills. The SOI knew that Cody Ahonen cooked cocaine base at Cody Ahonen's residence in Mount Holly, Vermont, and the SOI had seen as much as one kilogram of cocaine at Cody Ahonen's residence. Cody Ahonen told the SOI that Cody Ahonen would drive down to Connecticut to obtain the drugs for distribution.

b. In October of 2018, Cody Ahonen and Robert Ahonen robbed the SOI of one pound of marijuana at gunpoint. In the robbery, Cody Ahonen used a .45 caliber pistol and Robert Ahonen used a 9mm pistol.

6. Through my conversations with VSP, I am also aware that in August of 2020, VSP responded to a shooting at Cody Ahonen's residence in Mount Holly. Cody Ahonen had been shot in the abdomen and was driven to the hospital by a neighbor. Cody Ahonen told VSP that he had been shot but claimed he did not know how it happened and did not want to speak further with investigators regarding the incident.

¹ This source of information (SOI) was cooperating for consideration regarding pending federal illegal firearm and drug possession charges. I have reviewed the criminal history of this SOI from the National Crime Information Center (NCIC), which revealed a previous arrest for false information to law enforcement/implicate another in 2008, which was dismissed. It also revealed a federal felony conviction for possession of a firearm by a prohibited person in 2020, a New Hampshire state felony conviction for burglary in 2010, a New Hampshire state misdemeanor convictions for criminal trespassing in 2010 and shoplifting in 2009, and a Vermont misdemeanor conviction for Unlawful Trespassing-Land in 2011.

7. In August 2021, ATF opened another case into Cody Ahonen's illegal possession of firearms. In connection with that case, I spoke with an employee at Sieple's Shoot Shop, a Federal Firearms Licensee in Belmont, Vermont, about Cody Ahonen.² The employee stated that in early August 2021, Ahonen entered Sieple's Shoot Shop while in possession of a Makarov style pistol and attempted to purchase ammunition for the pistol. Ahonen was openly carrying the pistol around the business and Ahonen expressed interest in purchasing a CZ, model Scorpion, 9mm caliber pistol. Ahonen said he would return at a later date to purchase the firearm. I have reviewed security camera photographs from the gun shop and found the photographs consistent with the information provided by the the Sieple's Shoot Shop employee.

8. On September 15, 2021, I learned that Cody Ahonen was present during the shooting death of his girlfriend, Brittany Bouthiette. That case is still under investigation, but the following facts are those I have learned from VSP detectives investigating the incident.

9. On September 15, 2021, Vermont State Police (VSP) responded to a 911 call in the area in front of 3429 US Route 4 in the town of Killington, Vermont. Upon responding, members of VSP observed a 2013 grey GMC Terrain, bearing Vermont registration HYH445. They also encountered Cody Ahonen and a deceased female later identified as Brittany Bouthiette, who Cody Ahonen stated was his girlfriend. Members of VSP observed that Bouthiette appeared to have died from a gunshot wound to the head.

10. VSP interviewed Marcy Green, who told them the following, in part. Green said she was traveling east on US Route 4 at approximately 6:45 p.m. on September 15, 2021 when she saw a car pulled over with the passenger door open. Green turned around and observed a

² I have spoken with this employee on multiple occasions and have been able to corroborate information provided by this employee and found it to be credible.

male rendering first aid in the front of the car. Green said she observed the male take a gun from inside the car and set it on the ground. The male pulled a female out of the passenger side of the vehicle onto the ground and began CPR/First Aid. The male then stopped CPR, picked up the gun, and threw it into the weeds by a utility pole when another vehicle pulled up. Green described the gun as small, approximately 6 inches long, and she described it as a Glock, after seeing one like it on television. Green said the female appeared deceased when the male pulled her out of the vehicle. Green left the scene after the police arrived.

11. Later on the 15th, VSP recovered a Glock, model 30, .45 caliber pistol bearing serial number EVL754 from the side of the roadway in the area where Green said the firearm had been thrown. The firearm had a spent casing chambered in the firearm and an additional five rounds of ammunition in a magazine. VSP also recovered drug packaging material on the ground under the GMC Terrain and a clear plastic bag containing two chunks of suspected cocaine base. The suspected drugs later field tested positive for cocaine base and weighed approximately 21.7 grams with packaging.

12. VSP spoke twice with Cody Ahonen at the Rutland VSP Barracks, once shortly after the shooting and once on September 20, 2021. VSP Det. Sgt. Samuel Truex read Cody Ahonen his *Miranda* rights, which Cody Ahonen agreed to waive. Cody Ahonen's interview was audio and video recorded. The following is a synopsis of the relevant portions of that interview:

a. Cody Ahonen advised that he and Brittany Bouthiette were engaged on August 31, 2021. They had recently returned from Myrtle Beach, South Carolina after being on vacation. Cody Ahonen and Bouthiette were having difficulty in their relationship but were working on it.

b. Cody Ahonen and Bouthiette had been staying at the Greenbriar Inn in Killington, Vermont. Cody Ahonen and Bouthiette had hung out during the day at the Inn and talked a lot about their relationship. Cody Ahonen said Bouthiette had mental health and medical issues. She stopped taking her prescribed medication approximately three weeks ago because the drugs had ill effects on her.

c. When Cody Ahonen and Bouthiette would get irritated, they would take rides. They took two rides on September 15, 2021. During the first ride they drove to the falls and then returned to the Inn. During the second ride they traveled east on US Route 4, approximately 1 to 1.5 miles east of where he later stopped his vehicle. Cody Ahonen advised Bouthiette said she was sick of her life and sick of hurting him. While Cody Ahonen was driving, Bouthiette picked up a Glock .45 semi-automatic gun from a pocket down by the passenger floor center console. Cody Ahonen tried to get the gun away from her and the gun fired one round through the windshield of the vehicle. Cody Ahonen was able to get the gun and set it down on the console.

d. As Cody Ahonen was trying to deal with the hole in the windshield, Bouthiette picked up the gun and shot herself in the head. Cody Ahonen initially thought the bullet grazed the left side of her head, but he did not see where she was struck. Cody Ahonen instantly pulled over, opened the passenger door open and tried to help Bouthiette. A lady stopped and called 911.

e. As he was helping Bouthiette, Cody Ahonen picked up the gun and threw it into the tall grass near a ditch because he was scared. Cody Ahonen said there was a second gun, which he thought was a .23 caliber, in his vehicle that he threw into the back seat. Cody Ahonen said there was a magazine for the Glock .45 caliber gun in the glovebox.

f. Cody Ahonen said he had possessed the firearms for years and had taken the guns on vacation to Myrtle Beach, South Carolina. Cody Ahonen could not remember where the Glock firearm came from, but he said he had a bunch of guns over the years. Regarding the .23 caliber in the vehicle, Cody Ahonen ^{never saw} he did not know if ^{it was} ~~he~~ was loaded.

g. Regarding the suspected cocaine base found under the vehicle, Cody Ahonen said the drugs were not his and that Bouthiette was a user of crack cocaine.

13. On September 16, 2021, VSP Det. Sgt. Samuel Truex applied for and was granted a Vermont state search warrant to search the GMC Terrain. The following items, among other evidence were seized as a result of the execution of this search warrant:

a. CZ 52, 7.62 caliber pistol, bearing serial number LB6614. The pistol contained one round of ammunition in the chamber and an additional round of ammunition in a magazine when recovered.

b. U.S. Carbine, model M1carbine, .30 caliber rifle, bearing serial number AA54537. The firearm contained one round of ammunition in the chamber and an additional twenty-three rounds of ammunition in a magazine when recovered.

c. Two clear plastic bags, each containing a quantity of a white solid and powder substance, suspected to be cocaine. The suspected drugs later field tested positive for cocaine HCL (i.e., powder cocaine) and weighed approximately 160.1 grams with packaging.

d. Hundreds of rounds of ammunition, including approximately: 77 rounds of .45 caliber ammunition; 445 rounds of .223 caliber ammunition; 25 rounds of 9mm caliber ammunition; 50 rounds of .30 caliber ammunition; and 23 rounds of 7mm caliber ammunition. One spent casing from .45 caliber ammunition was also recovered from the vehicle.

e. One black digital scale with white residue.

f. Multiple cell phones.

g. Approximately \$10,000 in U.S. currency. Investigators also recovered approximately \$3,452.00 in cash from Cody Ahonen's person.

14. I reviewed Cody Ahonen's criminal history from NCIC and found that Cody Ahonen has a 2012 misdemeanor conviction for domestic assault in Vermont, in violation of 13 V.S.A. § 1042. I am aware that 13 V.S.A. § 1042 has as an element, the use or attempted use of physical force against a qualifying family or household member. According to a report of the incident which gave rise to the domestic assault conviction, Cody Ahonen assaulted his then live-in girlfriend and mother of his child by slamming her head against a wall, hitting her with an open hand and kicking her after she fell.

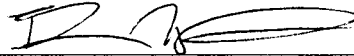
15. I have reviewed the docket from the Vermont Superior Court Windsor Criminal Division regarding Cody Ahonen's 2012 conviction, docket number 488-4-12 Wrcr. The docket states that Judge Robert P. Gerety Jr. accepted Cody Ahonen's guilty plea after finding it to be voluntary and made with knowledge and understanding of the consequences and after a knowing waiver of constitutional rights.

16. I have also reviewed a copy of an ATF Form-4473 from February 2018. Cody Ahonen attempted to purchase a firearm from Sieple's Shoot Shop in February 2018 and was denied by the National Instant Criminal Background Check System (NICS). As a person previously convicted of a misdemeanor crime of domestic violence, Ahonen is prohibited from possessing firearms.

17. On September 20, 2021, I consulted with ATF Special Agent Scott Murray, who is an expert in the interstate nexus of firearms. According to Agent Murray, the Glock firearm in

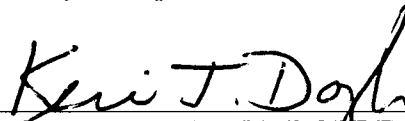
this case was not manufactured in Vermont and thus its presence in Vermont means that it previously traveled in interstate commerce.

Dated at Burlington, Vermont, this 21st day of September 2021.



BRIAN WOOD
ATF Special Agent

Sworn to and subscribed before me this 21st day of September 2021.



HONORABLE KEVIN J. DOYLE
United States Magistrate Judge